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SUBJECT: HONG KONG ON MACAU ARTICLE 23: THROUGH A GLASS
DARKLY

REF: (A) HONG KONG 2126 (B) HONG KONG 2109

Classified By: Consul General Joe Donovan for reasons 1.4 (b) and (d).

11. (C) Summary and comment: Hong Kong activists are watching Macau's deliberations over Basic Law Article 23 legislation with a mixture of concern and diffidence, mostly centered on the issue of whether Macau is a dress rehearsal for Hong Kong. On the one hand, Hong Kong activists have voiced most of the same concerns with the bill as their Macau counterparts, particularly on preparatory acts, state secrets and investigative journalism (reftels). On the other, they are reluctant to engage in a detailed discussion of a legal system most profess not to understand. Hong Kong activists seem to fear that, if they enter too far into the fray, they may reinforce the idea that Macau and Hong Kong's Article 23 legislation are in fact linked, when they would prefer to maintain the distinction. For Macau activists, bringing in Hong Kong's "big names" carries risks as well. While their "star quality" may rally the opposition base, Macau's small democratic movement must be equally mindful of being associated with "anti-China" forces. End summary and comment.

One Country, Two Systems

12. (C) While they express concerns about issues including definitions of state secrets, preparatory acts and protections for journalists in Macau's proposed Basic Law Article 23 legislation (BL 23), Hong Kong activists are equally adamant that what Macau does has no bearing on Hong Kong. "Whether or not the Macau legislature passes this (Article 23) bill is of no relevance to Hong Kong" stated the Hong Kong Journalists Association. Margaret Ng, in stating the Civic Party's (CP) position, took this a step further: "...although the enactment of Article 23 legislation in Macau has no direct relevance to Hong Kong, it will exert pressure on Hong Kong to follow suit. Article 23 legislation has now become the symbol for sovereignty in the eyes of some mainland officials." Media, analysts (usually quoted anonymously) and people in Macau, however, seem to think there is a connection, and so we expect the discussion to continue in this context.

13. (C) Democratic Party (DPHK) strategist Professor C.K. Law told us he thinks the Hong Kong government understands the public is no more receptive now to national security legislation than it was in 2003. Chief Executive Donald Tsang would not be so "stupid" as to make a renewed push for BL 23 legislation before the 2012 Chief Executive/Legislative Council elections, Law contends. (Comment: History suggests reopening Article 23 before the elections would boost the democrats at the expense of the pro-Beijing parties, a point we expect both Beijing and the Hong Kong government appreciate keenly. End comment.)

14. (C) Law told us the official DPHK position on Macau BL 23 is that they will show support for their pan-democratic counterparts in Macau, but on the basis that "they are the hosts and we are the guests." Similarly, the Civic Party told us they are "in touch with the democratic legislators in Macau and are acutely aware of their difficulty in getting the community to become more aware of the issues raised in the proposed legislation." Democratic legislators Ronny Tong (CP), Cyd Ho (independent), and Leung "Long Hair" Kwok-hung (League of Social Democrats - LSD) traveled to Macau in late November to participate in a conference with Macau democrats, and "Long Hair" joined an 80-person protest march the day before. However, while contacts all note the lack of expert legal commentary on the Macau bill (ref A), none of the major Hong Kong parties have offered to Macau counterparts the expertise their members (particularly Margaret Ng) lent to the Hong Kong debate. Contacts tell us one reason is that Hong Kong's British Common Law-trained lawyers lack expertise in Civil Law-based Macau legislation, but there is an equally palpable sense of maintaining a distance.

15. (C) For the Macau activists, inviting in Hong Kong counterparts is a double-edged sword. Macau-born Hong Kong Lingnan University lecturer Dr. Ip Iam-chong (who also participated in the conference) told us that too-strong opposition to BL 23 legislation could actually cost the democrats votes in Macau's more conservative culture. (Note: Macau democrats have stressed in their statements that they recognize Macau's obligation to pass a law, and limit

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themselves to specific points they wish to amend or remove from the existing BL 23 draft. End note.) He also told us Hong Kong civil society organizations are not particularly credible in Macau. The logic of bringing a "Long Hair" or Ronny Tong into the picture, Ip explains, is to draw attention and perhaps mobilize the core of people inclined to raise objections to the draft law. However, Ip sees a risk in becoming associated with "anti-China" figures like Long Hair. Media have reported Macau netizens were critical of Long Hair's involvement in what they noted was otherwise a very small protest.

DONOVAN